

**SHELTER HARBOR FIRE DISTRICT  
BOARD OF GOVERNORS MEETING**

**Draft Minutes**

**Saturday, November 20, 2010, at 9 A.M.**

**Shelter Harbor Inn**

**10 Wagner Road**

**Shelter Harbor**

**Westerly, RI 02891**

**I. Call to Order and Roll Call**

The Moderator called the meeting to order taking roll call. Members present: Gail Mallard, Moderator; Tom Lloyd, Vice Moderator; Glen Berwick, Treasurer, Elly Heyder, Jack Waters, Mary Harrop, John Bruno, Peter Ruggiero, Counsel, Nonie Price, Clerk. Absent: Mark Pratt.

**II. Approval of Minutes of October 2, 2010**

A motion was made and duly seconded to approve the minutes of October 2, 2010. There was no discussion. The motion was carried and the Minutes were approved as presented.

**III. Announcements**

The 2011 directory cards have been prepared for the January mailing and the Moderator gave the Clerk a copy of last year's January letter for updating.

#### **IV. Correspondence**

**Helene and Jack Hardick – Donation of Bench - on file**

**A letter was received from Helene and Jack Hardick offering the donation of a bench to SHFD and requesting space near Grove Dock for placement. John Bruno and Gail Mallard looked for a space and found an area near Grove Dock that could be feasible. The area currently has brambles. When the brambles have been removed, the Hardicks will be consulted, and the placement decision will be brought back to the BOG.**

**Dado Ferrari – Minutes of October 2, 2010 - on file**

**An email was received from Dado Ferrari concerning the content of the October 2, 2010 Minutes. The email suggested the minutes did not say enough in regard to the Beach Committee issues.**

**Gail Mallard, Moderator, stated the minutes have never been a transcript, that they provide a sense of the meeting with resolutions and motions and are action oriented.**

**Tom Lloyd, Vice Moderator felt minutes should be action based but understands people may need more information. He feels the important thing is the action the Board takes on matters.**

**Peter Ruggiero, Counsel, stated the law only requires a synopsis of meetings and nothing more.**

**Gail Mallard stated the Clerk should be commended for capturing the action of the October meeting.**

**Further discussion with Mr. Ferrari ensued and he further commented about his correspondence particularly in regard to the Beach Committee and his concern about a serious problem with the committee and the fact that this was major part of the meeting on Oct. 20, 2010 with many attendees.**

**Board members concluded there is a need to address and take action regarding issues with the Beach Committee and they fully understood the intent of the minutes.**

**Nonie Price, Clerk, addressed directly the point in Mr. Ferrari's correspondence suggesting she may have been pressured to sanitize the Minutes. The Clerk stated that the last thing she would ever do is sanitize the minutes – the Minutes are the Minutes, a record of action taken in the meeting. Referencing the October 2, Minutes, the Clerk further stated that the correspondence is on file, it was noted in the Minutes that each point of Mr. Ferrari's previous correspondence was addressed in the meeting of Oct. 2, and the resulting needed action items on each point were recorded in detail in the Minutes.**

**Jayne Staley commented that the perception was that the community did not completely understand the Minutes and it's important that residents understand the issues.**

**Further public comments were suspended until the Public Comment portion of the Agenda.**

**Joe Staley – Request for Beach Event - on file**

**The correspondence from Joe Staley requested a beach party event during an evening in the summer of 2011. The Moderator introduced the request. Peter Ruggiero will look at the criteria for beach events and develop criteria for waiving rules for residents based on a case by case basis. The Moderator will approach the WFD Moderator to seek input regarding insurance. This item request will be placed on the next BOG Agenda. (Clerk's note: Following the meeting, Joe Staley withdrew his request.)**

**V. Treasurer's Report – No report**

**VI. Tax Collector's Report – No report**

**VII. Committee Reports**

**A. Beach – No Report**

**A beach committee member in attendance asked that a proposal from Aaron Perkins to serve as lifeguard supervisor be heard. This was later discussed in Public Comment as was submitted too late to be included on the agenda. The BOG had been emailed copies of the proposal.**

## **B. Beanpot – No Report**

## **C. Bylaws – No Report**

## **D. Community Events – Report**

**Mary Harrop stated the events, dates, and times for next season have been established. The only event yet to be confirmed is the band concert.**

## **E. Financial Planning –No Report**

## **F. Harbor Master – Report**

**John Bruno sent pictures of a boat that was sunk at Grove Dock on Wednesday evening. The boat has been retrieved with no damage to the dock or water. New trees have been planted going down to Grove Dock.**

## **G. Roads – Report**

**Jack Waters reported Bill Ricci was to return for addressing the excess stone on the newly resurfaced roads on the west side of Wagner. Due to weather and equipment, Bill will come back in the spring to finish. Bill will send a letter of intent to do this work. The Vice Moderator noted a significant amount of gravel on the sides of the road. The Vice Moderator made clear there is to be no link between fixing the roads in the spring and a potential contract to**

**gravel roads east of Wagner next year.**

## **H. Safety and Security – No Report**

## **I. Tennis – Update on Tennis Court Repairs**

**New Chairpersons, Bruno and Mary Dicecco were present and Glen Berwick provided a chronology of events for the tennis courts and a verbal explanation of the situation regarding repair of the post and remediation for drainage. Between now and next spring, Mr. Hinding will be asked to send a proposal with a drawing of what he proposes for the east side of the court and an engineer can review and provide feedback to SHFD BOG. This matter will be on the agenda for next meeting under old business.**

## **VIII. Old Business**

### **A. Graham/SHFD boundary tree cutting plan**

**The planting and mulching has been done according to the plan the SHFD BOG approved with the exception of the magnolia tree. There was supposed to be a seven-foot-tall magnolia as per the specifications and a three to four-foot magnolia was planted. The Moderator contacted Brian Kent from Kent Frost Landscape Architecture and Mr. Kent said a new larger magnolia would be planted.**

### **B. SHFD Fire Protection Contract**

**Currently SHFD is a year and a half into a five-year contract with the Dunn's Corner Fire Department. To prepare for the next contract, a committee will be constituted next spring to explore fire protection issues for the SHFD.**

### **C. Committee Structure and Function**

**Peter Ruggiero, SHFD Counsel, reminded the SHFD BOG what the requirements are for doing business as a BOG. The bylaws allow for the formation of committees or agents. The Moderators can appoint committees and ad hoc groups that extinguish when the BOG term expires but that existing committee members would serve as holderovers until the Moderator re-organizes the committees. At the first meeting after the Annual Meeting, committees and agents should be appointed. Committees have to follow the Open Meetings requirements. Agents of the SHFD BOG can be designated to do administrative functions and are appointed to act on behalf of the BOG. Agents can have others to help provide service for the defined purpose of the group. Any contracts or expenditures by committees or agents have to be approved by the BOG.**

**The following groups were identified as committees or agents of the SHFD BOG:**

**Beach – a decision will be held in abeyance until the next SHFD BOG meeting**

**when the immediate past Beach Chair can be part of the discussion.**

**Beanpot – Agent**

**Bylaws – Committee**

**Community Events - Agent**

**Directory - Agent**

**Financial Planning - Committee**

**Harbor Master – Agent**

**Roads - Agent**

**Safety and Security – Agent**

**Tennis – Agent**

**Audit Committee – becomes Auditor**

**Website - Agent**

## **IX. New Business**

### **A. Sign for Entrance to the Finn M. W. Caspersen Forest**

A decision from the annual meeting was to name the forest, the Finn M. W. Caspersen Forest. The Shelter Harbor Conservation Society will be approached about the signage. A new sign design will be drawn up and a quote will be acquired. The Finn M. W. Caspersen Forest sign would replace the conservation area sign. Quotes on smaller signs for other entrances will also be acquired. The design and price quotes will be brought back to the BOG for final decisions.

### **B. Tabled Motion Regarding Zoning Violations**

The Moderator read the motion that was tabled at the Annual Meeting. It was Motion #3. When it comes off the table at the next Annual



**Meeting, the Moderator will have formed an ad hoc group or committee to address issues regarding the motion.**

**Harry Staley shared his concern about the SHFD BOG being prepared to take action as is appropriate when zoning violation issues arise to address them so the SHFD doesn't end up in a situation where it can't have any legal standing to address them. The most important situation would be the subdivision of a large lot.**

**Peter Ruggiero provided an overview of scenarios in dealing with zoning issues and how these issues are communicated to various entities. The Town of Westerly is the only one who can enforce zoning violations.**

**The Moderator regularly reviews Zoning agendas and attends meetings if there is an issue for SHFD.**

**Between now and the next meeting, Peter Ruggiero can develop a broad resolution for the SHFD BOG to deal with zoning matters. The SHFD BOG will provide past examples where SHFD has been proactive, and determine how SHFD wants to frame any future discussion with Steve Hartford, the Town Manager. Peter Ruggiero can share the motion with Harry. Next Meeting Items to discuss with the Town Manager: What costs would be involved in dealing with zoning issues and how will the BOG deal with paying for legal support?**

### **C. Community Survey**

**Mark Pratt asked for the item of a Community Survey to be on the agenda for the last meeting on October 2. His thoughts were to take the pulse of the community to learn how people think about things. The last survey was in 2003. The BOG decided to add this to a spring agenda.**

### **D. Storage of Landscape Equipment – Front-End Loaders in Shelter Harbor**

**Tom Lloyd asked if the BOG would be interested in looking into the possibility within SHFD to locate space for short-term storage of landscaping equipment. The BOG appointed Tom Lloyd to look into possibilities for equipment storage. This item will be carried forward on the next meeting's agenda and Tom Lloyd and Glen Berwick will report.**

### **X. Public Comment**

**Rochelle Levins referenced her initial communication and stated she was concerned about how the Beach Committee was functioning as a committee. She got to the point where she asked the beach chair about issues of safety on the beach - simple things like a whistle. All her efforts were to protect the community. Out of desperation she sent an email requesting the Beach Committee act as a committee. Her email was a private communication and she did not throw this issue at anyone. She simply felt the Moderator did not address the**

**way the committee was functioning.**

**The Moderator felt it was unfair to level criticism towards the immediate past Beach Committee chair when she wasn't present to address the issues. The Moderator said when she received the email from Ms. Levins citing Open Meetings concerns that she consulted with Peter Ruggiero.**

**Peter Ruggiero stated the communication regarding compliance with the Open Meetings Act is not limited to the Beach Committee but all meetings of the SHFD, its BOG, and its committees and that the formalities of the law have to be followed in all instances.**

**Jim Levins voiced concerns that issues presented to the Moderator by residents and committee members were not acted upon. Discussion followed.**

**Harry Staley said at the last SHFD BOG meeting there was some discussion about the problems with lifeguards. He suggested putting this item on the agenda for the next meeting. He also suggested the SHFD BOG consider a regular schedule of meetings.**

**Harry Staley commented that in view of the impending Harbor Management program and related external governmental actions which will affect Shelter Harbor and Quonnie Pond, SHFD ought to look into the Town of Westerly abandoning Wagner Road. Harry**

continued that as long as there is potential for this land to be used in other ways, the SHFD ought to be kept updated with the Town Manager to see if there is any intention to claim this land.

Peter Ruggiero was asked to contact Stanley Kanter to learn about the decision regarding the SHFD vs. Town of Westerly. This item will be added to the roads portion of the next SHFD BOG agenda.

Rochelle Levins asked if all BOG members had received her correspondence regarding a request to have the Aaron Perkins lifeguard proposal on this Meeting's agenda.

The Moderator felt that this was an unsolicited proposal.

Rochelle Levins stated that this was not an unsolicited proposal since a BOG had contacted Mr. Perkins.

BOG member, John Bruno, asked Mr. Perkins, if the BOG wanted to pursue this would he be willing to work on it.

Rochelle Levins further stated that the proposal was an awesome opportunity to obtain the best lifeguards available and would be a positive way to move forward.

Jayne Staley thought Rochelle Levins was to be commended for researching the lifeguard issue and following up on the issues

discussed at the October 2 meeting. She also asked that the community be informed of the deadlines for submitting agenda items. She also added that items could be added to an agenda.

Peter Ruggiero said the SHFD BOG needs to have a structure in place. At the next meeting it should be put on the agenda to develop a schedule for submission of correspondence to be part of the agenda.

Rochelle asked Peter Ruggiero if her numbers were correct for the lifeguard costs, and what are Shelter Harbor's obligations in regard to the cost of lifeguards. Mr. Ruggiero said the SHFD BOG will listen to the issue and make decisions as the governing body. There is no legal obligation to opt for a less expensive option.

Glen Berwick commented on the proposal and told the Moderator that it's not fair to ask the BOG to consider the correspondence until Glen can present information to the Board regarding lifeguard expenditures.

Jim Levins asked Gail Mallard if Peter Ruggiero can answer questions of residents. Peter Ruggiero responded that he can't have conversations with non-customers and that the SHFD is the client. Jim Levins can ask the SHFD BOG about any legal questions.

Jim Levins expressed concerns over appointing agents and chairs. He asked if you have agents, and someone wants to be an agent, can

they be appointed.

Peter Ruggiero responded that each agent and committee head changes at the end of each BOG term and that existing committee members would serve as holderovers, until the Moderator re-organizes the committees. The Moderator will appoint committees after the Annual Meetings.

Elly Heyder said the SHFD BOG Meeting dates are posted on the website.

Jack Waters, as the roads agent, will share the roads information with the SHFD BOG.

## **XI. Adjournment**

A motion to adjourn was made, duly seconded, and unanimously approved.

The next meeting of the SHFD BOG will be December 18, at 8:30 at the Shelter Harbor Inn.

Recorded by,  
Nonie Price, Clerk